

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:19-CR-00479-D

UNITED STATES OF AMERICA,

v.

EMILIO MORAN

**MOTION TO EXTEND DEADLINE TO
OBJECT TO DRAFT PSR AND CONTINUE
SENTENCING BY 60 DAYS**

Defendant Moran, through counsel, hereby moves pursuant to Local Rule 32.2 to extend the deadline for the defendant to object to the Draft PSR for 60 days, and to continue sentencing to the July 2021 term. In support of this request, defendant shows the Court as follows:

1. Undersigned counsel was retained and filed her notice of appearance on February 8, 2021.
2. Under existing deadlines, the deadline for filing objections is today, April 5, 2021. Sentencing is set for the May 3, 2021 term of Court.
3. Counsel began immediately to attempt to meet with Mr. Moran via secure telephone conference at the Harnett County jail. However, in the first week of February, Mr. Moran tested positive for COVID-19. He struggled with the illness. There was an outbreak in Mr. Moran's pod at the jail. He did not come out of quarantine until March.
4. On March 4, 2021, counsel was able to have an extensive phone conference with Mr. Moran. Then, on March 15, 2021, counsel was informed that there had once again been an outbreak at Harnett Jail and Moran was again quarantined and could not speak by phone or in person.

5. Although counsel was in communication with former defense counsel of record, there was a miscommunication and counsel did not receive discovery from the former defense counsel.

6. At the request of new defense counsel, the government produced Mr. Moran's discovery to defense counsel via USAfx on April 2, 2021.

7. Counsel is beginning a jury trial on April 12, 2021 and is in active trial preparation.

8. Accordingly, more time is needed to review the discovery with the defendant, to ensure that any concerns that Mr. Moran may have about the PSR or objections he may wish to advance can be properly presented to the Court prior to sentencing and at that hearing.

9. In addition, counsel has retained the services of a mental health expert, known to this Court, to evaluate Mr. Moran and render an expert opinion relevant to sentencing issues and the 3553(a) factors. Specifically, Mr. Moran is a decorated Marine who suffered significant combat injuries, including but not limited to a traumatic brain injury after an IED attack on his convoy, PTSD, and related diagnoses. The analysis and insights of a physician/mental health expert will ensure that the Court has a comprehensive picture of Mr. Moran's mental health at sentencing.

10. The mental health expert has been unable, due to pandemic restrictions and the repeated quarantine of the defendant in the Harnett County jail, to meet with and evaluate the defendant.

11. More time is needed to allow for this evaluation, complete the report, and request its inclusion in the Final PreSentence Report.

12. The United States consents.

13. This motion is made in good faith, and not for purposes of delay.

WHEREFORE, Mr. Moran respectfully requests that the Court enter an order extending the time within which to file objections to the draft PSR by 60 days, and continues sentencing to the July term.

Respectfully submitted this 5th day of April 2021.

THE SALMON LAW FIRM, LLP.

A handwritten signature in black ink that reads "Elisa Cyre Salmon". The signature is fluid and cursive, with the first name "Elisa" and last name "Salmon" being more prominent than the middle name "Cyre".

Elisa Cyre Salmon
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Retained Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system, which will send electronic notice to the following:

Mr. John Parris, Assistant United States Attorney

Eastern District of North Carolina

This is the 5th day of April 2021.

THE SALMON LAW FIRM, LLP.

A handwritten signature in black ink that reads "Elisa Cyre Salmon". The signature is fluid and cursive, with the first name "Elisa" and last name "Salmon" being more prominent than the middle name "Cyre".

Elisa Cyre Salmon
N.C. State Bar No. 35242